

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE ) MDL 1456  
LITIGATION ) No. 01-CV-12257-PBS  
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 ) Judge Patti B. Saris  
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THIS DOCUMENT RELATES TO: )  
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*State of Montana v. Abbot Labs, Inc., et al.*, )  
D. Mont. Case No. CV-02-09-H-DWM )  
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**PROPOSED ORDER GRANTING DEFENDANTS' JOINT MOTION FOR  
LEAVE TO FILE UNDER SEAL**

This matter is before the Court on Defendants' Joint Motion For Leave to File Under Seal. This Court hereby:

GRANTS Defendants' Joint Motion for Leave to File Under Seal the following items:

1. Confidential Declaration of Kathleen M. O'Sullivan In Support of Defendants' Motion for Summary Judgment, dated February 8, 2007, with the following 10 Exhibits;
2. Excerpts from the December 15, 2006 deposition of Montana's 30(b)(6) designee Jeff Buska;
3. Excerpts from the April 21, 2006 deposition of John Chappuis, Deputy Director, Montana DPHHS;
4. Excerpts from the August 23, 2006 deposition of Raymond S. Hartman, expert witness for the States of Montana and Nevada regarding damages;

5. Excerpts from the August 16, 2005 deposition of Geoffrey Kilgore;
6. Excerpts from the January 11, 2005 deposition of Patricia Kay Morgan, deponent on behalf of third-party publisher First DataBank;
7. Excerpts from the January 10, 2007 deposition of Rose Svitak, deponent on behalf of the Minnesota Multi-State Contracting Alliance for Pharmacy;
8. A true and accurate copy of MON0003034-3064, a September 23, 2002 contract between Express Scripts and Blue Cross Blue Shield of Montana;
9. A true and accurate copy of MON0002995-3008, a February 1995 contract between Pharmacy Gold and Blue Cross Blue Shield of Montana;
10. A true and accurate copy of MON0006486-6500, a December 1999 contract between DPS and Blue Cross Blue Shield of Montana; and
11. A true and accurate copy of MON010469, a summary of drug savings achieved by AdvancePCS.

IT IS SO ORDERED

DATED: \_\_\_\_\_

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Hon. Patti B. Saris  
United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8th day of February 2007, a true and correct copy of the foregoing document was served upon all counsel of record by electronic service pursuant to the District of Massachusetts's Electronic Case Filing System (CM/ECF).

/s/ Thomas J. Sartory\_\_\_\_\_

Thomas J. Sartory